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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application:

Appl. No. : 10/823,032 Confirmation No.:  
Applicant : Robert H. Kummer, Jr. et al.  
Filed : April 13, 2004  
Art Unit : Not Yet Assigned  
Examiner : Not Yet Assigned  
Attorney Docket No. : F-791 - 01  
Customer No. : 00919 Date: June 18, 2004

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(b) exists.

In accordance with 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

This Information Disclosure Statement is being filed in accordance with the following provisions, as identified below with marked boxes, available under 37 CFR § 1.97:

1. ☒ 37 CFR §1.97(b) - This Information Disclosure Statement is being filed according to one of the following: (i) within 3 months of the filing date of this application (other than a CPA); (ii) within 3 months of the date of entry of the national stage as set forth in § 1.491 in an international application; (iii) before the mailing of a first Office action on the merits; or (iv) before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

OR

2. ☐ 37 CFR §1.97(c) - This Information Disclosure Statement is being filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the statement or fee as identified below:

2.1 ☐ Specified Statement under 37 CFR § 1.97(e)(1) - see below.

OR

2.2 ☐ Specified Statement under 37 CFR § 1.97(e)(2) - see below.

OR

2.3 ☐ Please charge Deposit Account No. **16-1885** in the amount of \$180.00 to cover the fee set forth in § 1.17(p).

**\*\* Provisional Fee Authorization.** If Box 2.1 or Box 2.2 is marked above and a final action under § 1.113 has in fact been mailed before the filing of this Information Disclosure Statement, then the Commissioner is authorized to charge Deposit Account No. **16-1885** in the amount of \$180.00 to cover the fee set forth in § 1.17(p) as if Box 2.3 had been marked.

OR

3. ☐ 37 CFR §1.97(d) - This Information Disclosure Statement is being filed on or before payment of the issue fee and it is accompanied by the statement and fee as identified below:

3.1.1 ☐ Specified Statement under 37 CFR § 1.97(e)(1) - see below.

OR

3.1.2 ☐ Specified Statement under 37 CFR § 1.97(e)(2) - see below.

AND

3.2 ☐ Please charge Deposit Account No. **16-1885** in the amount of \$180.00 to cover the fee set forth in § 1.17(p).

Specified Statement under 37 CFR § 1.97(e)(1) - Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.


Specified Statement under 37 CFR § 1.97(e)(2) - No item of information contained in

the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing below, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

A list of the patent(s) and/or publication(s) is set forth on the attached Form PTO-1449 (Modified).

The Commissioner is hereby authorized to charge any additional fees, which may be required to Deposit Account No. **16-1885**.

Respectfully submitted,

  
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Plus attachments: Form PTO-1449 (Modified)

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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On June 18, 2004  
Date of Deposit

  
Signature

Brian A. Lemm  
Name of Registered Rep.

June 18, 2004  
Date



FORM PTO-1449 (Modified)				Atty. Docket Number F-791 - 01		Serial No. 10/823,032	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Applicant Robert H. Kummer, Jr. et al.			
				Filing Date April 13, 2004		Group Not Yet Assigned	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5442541	8/15/95	Hube et al.			
	AB	5956505	9/21/99	Manduley			
	AC	6490684	12/3/02	Fenstermaker et al.			
	AD	6694384	2/17/04	Moeller et al.			
	AE						
	AF						
	AG						
	AH						
	AI						
<b>FOREIGN PATENT OR PUBLISHED PATENT APPLICATION DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION
	AJ						
	AK						
	AL						
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AM						
	AN						
	AO						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to applicant.							